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REMEMBER THIS ITEM FROM 13 AUGUST 2009?



Toben jailed as appeal fails

Posted Thu Aug 13, 2009 6:11pm AEST, Updated Fri Aug 14, 2009 7:29am AEST



Frederick Toben jailed after failing in an appeal against his sentence for contempt of court. (ABC News)

An Adelaide man found to have vilified Jewish people on his website has been jailed after he failed to overturn a contempt of court finding. Dr Fredrick Toben was originally sentenced to three months in jail for contempt, for repeated internet publication of material in breach of the Racial Discrimination Act.

Federal Court Justice Jeffrey Spender today said the case was not about the Holocaust, but whether Toben had complied with court orders. All three judges dismissed an appeal against the contempt finding and upheld the three month sentence. Toben was immediately taken into custody by federal police.

... and after serving prison time almost two years later it's bankruptcy time because the Merchant of Sydney wants his pound of flesh...

It's also time to write interesting but legally irrelevant 'affidavits'. The word comes from Latin that I have stated 'on faith' – and not that I swear and I declare what I say is the truth?

My cry for help – send an email, write affidavits!

[From Newsletter No 543 & Adelaide Institute website]



Will Jones remove Töben's heart?

From: Fredrick Toben toben@toben.biz

To: the list -

Sent: Tue, 2 November, 2010 6:19:40 PM

Subject: In matters of F Toben: Bankruptcy Notice

1. Just a general send to indicate Jeremy Jones wants his pound of flesh –

2. I have just received a bankruptcy notice from Jeremy Jones who is seeking \$56,513.72 costs.

3. This is interesting because I was not notified that this action was afoot, and that is usually called perpetrating 'a legal ambush'.

4. Solicitor at Slater & Gordon, Steven Lewis, who handled this Jones -v- Töben matter before the Federal Court of Australia, stood as a Labor Party endorsed candidate in the electorate of Wentworth – against successful Malcolm Turnbull – and stated in his publicity flyer he worked pro-bono for the Australian Jewish community on the Holocaust-denier Fredrick Töben case.

5. Any comment from anyone?

Creditor is Jeremy Jones C/- Slater & Gordon, Level 11, 51 Druitt Street, SYDNEY NSW 2000

(Tel:Fax: (02) 8267 0626) (Fax: (02) 82670650).

I have 21 days after service to pay up or make arrangements to the creditor's satisfaction for settlement of the debt.

Applying to extend the time for compliance -

Applying to set aside the Bankruptcy Notice -

Bankruptcy Notice

To Mr Gerald Frederick Toben
23 Caloroga Street WATTLE PARK SA

Court Details

Court: Local Court of NSW,

List: Certificates [LC]

Registry: Sydney Downing Centre,

Case Number: 2010/10/00318416.

Title of proceedings

First Plaintiff JEREMY JONES

First Defendant GERALD FREDERICK TOBEN

Date of Judgment/Order

Date made or given 24 September 2010

Date entered 24 September 2010

Terms of Judgment/Order

Judgment: GERALD FREDERICK TOBEN, First Defendant is to pay

JEREMY JONES, First Plaintiff the sum of \$56513.72

Seal and Signature

Signature: P Olson

Capacity: Registrar

Date: 12 October 2010.]

AFFIDAVIT – Sworn at Adelaide on 12 November 2010

1. I am the Applicant in these proceedings

2. That this bankruptcy Application made by the Respondent is the culmination of a 16-year legal persecution process.

3. Some time at the beginning of July 2010 I received from the Respondent's solicitor, Slater & Gordon, per Express Post the 5 July 2010 dated Bill of Costs file.

4. The next communication from the Respondent was on 1 November 2010 when a process server handed me the Bankruptcy notice signed by Registrar of Local Court of New South Wales, on 12 October 2010.

5. I note that the Respondent's 5 July 2010 costs submission to the Federal Court of Australia contains a heading: GENERAL CARE AND CONDUCT. I deny the allegations/findings made by Lander J stated therein because the narrative merely follows the pattern of legal persecution begun by the Respondent 16 years ago in the Human Rights & Equal Opportunity Commission-HREOC.

5.1 I have always been prepared to attend reconciliation meetings but the respondent was not interested. The informal agreement that we would not make use of legal counsel in the matter was cynically dismissed by the Respondent when at the November 1998 hearing before HREOC he truned up nwith Mr Rothman, now Justice Rothman fo the FCA.

5.2 At all stages of these 16-year proceedings, before HREOC and before the FCA, I failed to get legal representation, in particular at the Matters-of-fact stage. Legal Aid refused to assist as well. Only at the Appeal stages – Matters of Law – did I have pro-bono legal assistance, which however was then too late.

5.3 The Respondent at no stage was interested in canvassing the matters-of-fact on the topic of Holocaust-Shoah Inversion because his aim was to exclude the topic from public debate, which to some extent he ensured by having me imprisoned. That the Respondent is thereby supporting the criminalisation of opinions is a grave concern for those who despise telling lies and who value truth-telling.

6. I still do not know how the JUDGMENT/ORDER in the Local Court of NSW, at Sydney Downing Centre, Case Number 2010/00318416, made/entered on 24 September 2010 came about without my having been advised that this matter had proceeded to this stage. At no stage was I invited to attend the meeting the Respondent had with the Taxing Master.

7. As a precedent in these bankruptcy proceedings I would like to draw upon the judgment of Einfeld J made in the FCA on 15 December 1995 between Sanirise and Darling Harbourside about parties needing to inform each other of what is going on.

8. In two following articles from the *Australian Jewish News*, dated 7 and 14 May 2010, about solicitor and barrister for Respondent, Steven Lewis and Robin Margo, respectively, it is stated that they were both standing against Member for Wentworth, Malcolm Turnbull [- Member for GHoldman Sachs!]. As evidence of his "progressive activities", it is stated that Senior Counsel for Respondent, Robin Margo, offered for the Jewish community, "...his pro-bono work on civil proceedings against Holocaust denier Fredrick Toben". I contend that this matter be looked at in detail not only for Mr Margo but also for Mr Lewis and Ms Graycar.

AFFIDAVIT – Sworn at Adelaide on 3 December 2010

I, Gerald Fredrick Töben, Retired Teacher/ Age Pensioner make oath and say:

- 1.** I am the APPLICANT in these proceedings.
- 2.** I now make reference to my Affidavit, sworn on 12 November 2010.
- 3.** That I received from Respondent's solicitor two letters: **a.** dated 17 November 2010 and **b.** dated 18 November 2010, which are attached to this Affidavit as "Annexure 1".
- 4.** In Letter **a.** I am advised that the Bankruptcy Notice No 4753 of 25 October 2010 is withdrawn thereby making my 12 November 2010 filed Application, to be heard on 6 December 2010, unnecessary. There is no reason offered why this step of withdrawing the Bankruptcy Notice was taken.
- 5.** Letter **b.** encloses 'by way of service' another sealed Certificate of Taxation dated 15 September 2010, being the same as the copy I submitted as "Annexure 1" of my 12 November 2010 Affidavit.
- 6.** I request that Orders be made to set aside or to strike out Respondent's Bankruptcy Notice as issued by Local Court of New South Wales, dated 24 September 2010.
- 7.** That my Application of 12 November 2010 be amended to include in Final Orders: That the judgment of the Local Court of New South Wales made against me on 24 September 2010 be set aside/struck out.

8. That orders for costs be made against the Respondent as per FMC, Adelaide Registry, receipt, together with costs incurred for engaging legal firm Armstrong Lawyers for making a settlement offer to Respondent, which Respondent rejected, as detailed in "Annexure 2" of this Affidavit.

9. Any other orders the Court deems appropriate.

*

On 6 December 2010 Registrar Christie set aside the Bankruptcy Order generated by Jones' legal team in the Local Court of New South Wales but refused to award me costs.

I wrote an email advising solicitor Lewis that on account of my being overseas until the end of January 2010-beginning of February 2011, in the USA and in Iran, there to attend a Bioethics Conference, I would not be able to receive legal papers until my return.

On 22 December 2010 Jones obtained a new Bankruptcy Order in the Federal Court of Australia, South Australia, Adelaide Registry that was served on me on 22 March 2011. On the same day I forwarded this material to my Melbourne lawyer with the request the matter be attended to – but it lay dormant there until two days after the expiry time of 21 days. I was again alone to get the paper work to the FCA Registry with the request I be granted an extension of time. On 15 April I filed the following together with another interesting but legally irrelevant Affidavit:

NOTICE OF MOTION

The abovenamed Applicant will at 9.30 am on the 30th day of May 2011 at Commonwealth Law Courts, Angas Street, Adelaide SA move the Court for Orders that

- 1. An extension of time be granted in which to review Registrar Bochner's 22 December 2010 Order.**
- 2. Such further or other orders as the Court deems fit.**

AFFIDAVIT – Sworn at Adelaide on 15 April 2011

- 1.** I am the Applicant in these proceedings.
- 2.** That this Bankruptcy Application made by the Respondent is the culmination of a 16-year legal and political battle between myself and Australia's Jewish Community leaders that was begun in the USA by Rabbi Abraham Cooper of the Simon Wiesenthal Centre in Los Angeles, California, which was then propagated as a news item by the Courier Mail, Queensland, on 5 July 1996.
- 3.** Soon after, the Respondent developed the matter into a complaint against Adelaide Institute before the Human Rights and Equal Opportunity Commission where I remained legally unrepresented, and a decision was handed down on 5 October 2000.
- 4.** At no stage of any subsequent proceedings did the Respondent show any willingness to reconcile our differences of opinion, to canvass different points of view on the historical accuracy or otherwise of what the 'Holocaust-Shoah' narrative was all about. To date the

Respondent has refused to participate with me in a civilized free and open expression of opinions, through mature dialogue. In fact, in interviews given by him to the Australian Jewish News he stated that his aim was "to stop [me] from functioning". He has defamed me through the print and electronic media and has never given me a face-to-face right-of-reply, which some explain is a typical attitude adopted by a Zionist Jew against a non-Jew. It has been through the legal mechanism that he has proceeded knowing full well that I did not have the financial means to employ a barrister to fight my case in court.

5. The matter then proceeded to the FCA and culminated in a summary judgment on 17 September 2002, No 1150, because I did not have the financial resources to obtain legal representation, and conducting the case myself, as was suggested by presiding judge, Branson, was a nonsense.

Jews trace cyberspace 'hatred' to Australia

By **RODNEY CHESTER**
and **RORY CALLINAN**

THE Federal Government is investigating two controversial Australian-based anti-semitic Internet sites after an alert from international Nazi hunters, the Simon Wiesenthal Centre.

The centre, renowned for its dogged pursuit of hundreds of Nazi war criminals, detected the controversial sites as it followed the trail of far-right groups into cyberspace.

After locating the sites earlier this year, the centre wrote to the Australian Embassy in Washington calling on the Attorney-General to investigate if the sites breached any local laws.

The sites, one calling itself the Adelaide Institute and the other the Al-Moharer Al-Australi, target Jewish people.

Information downloaded from the Adelaide Institute says: "We are a group of individuals who are looking at the Jewish Nazi holocaust."

"We are worried about the fact that to date it has been impossible to reconstruct a homicidal gas chamber."

Al-Moharer Al-Australi says it "wants to challenge all forms of New World Order conditioning and thought control".

Wiesenthal Centre associate dean Abraham Cooper, speaking from its Los Angeles headquarters, said many "hate" groups around the world had taken to the Net in the past 18 months to reach a potential audience of 40 million.

Rabbi Cooper said there were about 100 Web sites around the world promoting "hatred and mayhem".

"It is an unprecedented but powerful tool that not only can be used for good but also be used for evil," he said.

"Our experience has been that the authorities don't even understand the technology that well."

Rabbi Cooper said there had been numerous cases in the United States where "very bright" students had downloaded bomb-making recipes off the Net.

One science teacher in Miami "was about one second away from blowing up both himself and his school", he said.

The centre, which uses the Web to promote its own cause, has set up a cyberwatch programme "not because we are opposed to computers but because we're committed to human rights".

Adelaide Institute director Fredrick Toben said last night: "We would welcome any investigation."

"But we would also like them to investigate Rabbi Cooper and the tradition that he comes from, namely from the Babylonian Talmud which is the ethical base that he operates on."

"It is used by a certain member of the Jewish community as a guide and the Babylonian Talmud is full of filth and hatred so let him (the Rabbi) cast the first stone."

A spokesman for federal Attorney-General Daryl Williams confirmed the office had received the letter and claims were being investigated.

Queensland Jewish Board of deputies president Laurie Rosenblum said he regularly received complaints from Queenslanders about material on the Internet.

He said there was urgent needed to censor the Net.

"The problem is that you have got this technology where some extremist organisation can print out stuff and transpose it and then hand it out or publish it in a newsletter," he said.

The Australian Broadcasting Authority is expected to release its guidelines on control of the Internet today.

6. For further details of the political nature of this matter I now make reference to the Affidavit I swore on 12 November 2011 when the Bankruptcy matter was aired in the Federal Magistrates Court – NO: ADG 314 Of 2010 – where I detail the political activities by both solicitor, Mr Steven Lewis, and barrister, Mr Robin Margo in the Seat of Wentworth before the Federal Election, which caused sitting member, Malcolm Turnbull to reverse his decision to step away from politics, and Mr Margo claiming as a community service "...his pro bono work on civil proceedings against Holocaust denier Fredrick Toben".

7. It is my intention now to continue this battle in the political sphere, and this means that if I am declared a bankrupt, then I cannot stand as an Independent. It is this fact that leads me to conclude that this bankruptcy proceeding is guided by evil intentions. For example in 2000 a man in New South Wales, who was about to stand for State Parliament, was bankrupted because he clashed with Jewish interests, and former FCA judge, Marcus Einfeld signed the Bankruptcy Order, and his service to the Jewish Community is well documented, in particular while a judge his upholding and propagating the official version of the Holocaust-Shoah narrative. The above matter is well documented and will be published, so that it cannot be dismissed as mere hearsay.

8. I submit again the fact that at no time during these FCA costs proceedings was I involved, and I had made the Respondent aware of the fact that the barrister who handled my Appeal was not acting for me anymore, i.e. that I was again acting on my own behalf. I still claim that I should have been present when the Taxing Master awarded costs to the Respondent. The fact that it was done without my being present, let alone my not

being advised the costing process was in process, offends against basic Natural Justice principles. The first time I became aware of costs having been awarded was when I received a letter from Mr Steven Lewis, dated 5 July 2010, attached as "Annexure 1".

9. I attach as "Annexure 2" a copy of Registrar Christie's Order, dated 6 December 2010, made in the Federal Magistrates Court of Australia, Adelaide Registry, a copy of the Order made by Registrar Bochner on 22 December 2010 in the FCA, Adelaide Registry, and a copy of the Bankruptcy Notice No 10376 made on 12 January 2011.

10. The fact that on 19 November 2010 Respondent's solicitor wrote to me stating that the Bankruptcy Notice had been withdrawn and that I should withdraw my 12 November 2010 filed application to be heard on 6 December 2010, and on 19 November 2010 a viable offer of settlement had been made to the Respondent, which he rejected, indicates to me there are evil intentions afoot here. I seek court protection from such evil intentions.

11. Upon receiving the Bankruptcy Notice I sent the material to my solicitor in Melbourne because he had earlier made an offer of settlement to Mr Jones. Yesterday I was advised that nothing had been done because a staff member looking after the matter had left the firm. I make reference to "Annexure 3".

*

And here is another Affidavit wherein I upgrade myself from retired teacher/ pensioner to the following – note point 3. below. If you like that, please let me know.

Further AFFIDAVIT in support of NOTIVE OF MOTION

Sworn at Adelaide on 17 May 2011

1. I am the Applicant in these proceedings.

2. I now make reference to my two previous Affidavits, sworn on 12 November 2010 and 15 April 2011 respectively.

3. That I am a thinker, academic, teacher, ethicist, philosopher and author of five books specifically dealing with matters Holocaust-Shoah.

4. At no time during these lengthy proceedings have I been able to obtain legal representation at the 'matters of fact' stage, and at no time did the Respondent, Mr Jeremy Shaun Jones, ever agree to any kind of conciliation meetings where we could discuss our differences of opinions.

5. This 'talking about me' but 'not talking with me' in various media outlets indicates to me that the

Respondent is using the Talmudic-Marxist thought-pattern of 'friend-enemy', which is a death dialectic not at all conducive to resolving differences of opinions. It is a win-lose dialectic that is opposed by the life-giving Hegelian win-win dialectic where differences are conserved in the newly emerging synthesis. This is how scientific discoveries are made, and how individuals progress if they are interested in finding out the truth of a matter.

6. Although the Common Law procedure uses the adversarial process there are a number of overarching legal principles that embrace the truth-finding Hegelian dialectic. The Victorian State Government has now enacted the Civil Procedure Act 2010, and section 41 that spells out The Overarching Obligations to which all litigants must subscribe and sign an Overarching

Obligation Certification, in particular Section 16 Paramount Duty: "Each person to whom the overarching obligations apply has a paramount duty to the court to further the administration of justice..."

7. Since 1996 there has never in these proceedings been made an application for the Process of Discovery, for example: No Request for Admissions, no Request for Production, no Interrogatories – merely a Summary Judgment by Branson J in the FCA on 17 September 2002.

8. I now seek the opportunity to address these matters, in particular I seek, among other things, the opportunity to make discoveries on a matter appearing in Registrar Bochner's Order dated 22 December 2010, No. 3: "Service of the Certificate of Taxation was effected upon the solicitor for the applicant and after 14 days from the date of service the costs remain unpaid."

9. When Justice Lander's imprisonment Order of 13 May 2009 was effected on 13 August 2009, and I spent my three months in prison, I notified by letter sent from the Cadell Training Centre Respondent's solicitor, Mr Steven Lewis, that my barrister, Mr David Perkins had ceased forthwith representing my interests.

10. Registrar Buchner's Court Order of 22 December 2010 states at No 2 that "...A Certificate of Taxation in the amount of \$56,435.72 was issued on 15 September 2010". I state that per letter dated 5 July 2010 from Solicitor for the Respondent, Mr Steven Lewis, I did receive a copy of the Bill of Costs filed in the FCA SA District Registry. Not until 1 November 2010 was I aware of any developments in the matter. On this day a Process Server hands me the Bankruptcy Notice signed by Registrar of Local Court of New South Wales, dated 12 October 2010.

11. In a letter from Respondent's solicitor, dated 17 November 2010, Mr Steven Lewis advises me that he is withdrawing the Bankruptcy Notice No 4753 of 2010, suggesting I also withdraw my 12 November 2010 Application set down for a hearing on 6 December 2010.

By this time I am totally confused about what is going on and seek assistance from a Melbourne legal firm, which by letter dated 19 November 2010 had made a viable offer to settle the cost claim made against me – which Respondent's solicitor rejects.

In a letter, dated 18 November 2010, Solicitor for the Respondent forwards a copy of the Certificate of Taxation, dated 15 September 2010, and signed by Registrar Bochner of the FCA Adelaide.

12. I am not the only one who has at the hands of members of the Jewish Community, experienced this pattern of legal persecution prejudice, outright evil intentions, deception, conspiracy, among others, where basic Natural Justice is not given when being processed under the Racial Discrimination Act where any form of

defence is rejected. Where legislation is written in such a way that a 'hurt feeling' proves 'guilt', then the result is a witch-trial mentality where there is no room for discussion.

The recent Andrew Bolt case in Melbourne – as was the Mark Steyn case in Canada – enables a worthy defence to be mounted because in both instances wealthy media outlets can afford to engage the best legal minds, something that was not possible for me, Mrs Olga Scully in Launceston, Tasmania, et al. In the Mark Steyn case the Human Rights Commission abandoned the matter because it knew an appeal to a real court would eliminate its power. It will be interesting to see how Justice Mordecai Bromberg will rule on the Andrew Bolt case.

13. My claim that there is a conspiracy behind this legal persecution is not far fetched and fanciful. It is a conspiracy, for example, that on 18 March 2003 Australia's Prime Minister, Mr John Howard, delivered to the Australian parliament the same speech that then Canadian Opposition Leader, Stephen Harper now PM, delivered in the Canadian parliament two days later, on 20 March 2003, wherein both justify the attack on and invasion of Iraq. Who authored the same text?

My examples in my matter involving some of Australia's Jewish community leaders speak for themselves:

13.1 The first letter was written 11 years ago, on 12 May 2000, by a member of Australia's Jewish Community and covertly sent to the USA Embassy in Canberra, ACT. The half-truths and outright lies therein have never been refuted.

[Note the members of Board of Advisers includes Australian politicians: Prime Ministers Malcolm Fraser and Bob Hawke, Premier Neville Wran, Governor-General Sir Ninian Steven, Dr Lowitja O'Donoghue – and of course there is the executive director, that hit-man Danny Ben-Moshe who later became a university lecturer at the RMIT.]

13.2 The second letter from Justice Goldberg, dated 1 July 1985, was overtly written to former South Australian Minister of Education, Mrs Joyce Steele, OBE.

*

[Mrs Steele was a lady of integrity and of discriminating taste and there was nothing "common" about her speech, which seems to be the current fashion in politics. After all, she was also from the old school of ABC Radio broadcasters who valued refined speech.

She replied to Goldberg's letter in simple terms: 'I am in receipt of your letter and have noted its content'.

Mrs Steele did not bend to Jewish pressure because she was fearless and despised such underhand tactics.]



The B'nai B'rith

Anti-Defamation Commission Inc.

Australia / New Zealand

Registration No. A 0037143P

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Pages: 7

PRIVATE AND CONFIDENTIAL

Dear Steven,

As per our conversation yesterday, please find attached a background briefing paper on the Adelaide Institute, of which Fredrick Toben is the director.

As we discussed, Toben has either arrived or is on his way to California for the conference of the Institute for Historical Review, a large Holocaust denial organisation. I have contacted the Anti-Defamation League in the US for further information as to the exact date of this conference.

The way in which Fredrick Toben spells his first and last names is unusual and will assist in identifying him. Toben was born in Jade, Germany on 2 June 1944 and came to Australia in 1954. He is the son of Johannes Toben and Adelheid (nee Soltys). He currently resides in the suburb of Norwood in Adelaide.

In November 1999 Toben was convicted in Mannheim, Germany, for "defaming the dead". The attached briefing paper provides further information as to his activities and racist ideology.

Please let me know should you require any further information and whether you are able to ascertain if Toben is currently in the US.

Thankyou for your help in this matter.

Kind regards,

Benson Apple

Director of Research & Public Affairs

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Executive Council of Australian Jewry

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1st July 1985

Mrs. Joyce Steele O.B.E.,
23 Caloroga Street,
WATTLE PARK. S.A. 5066

Dear Mrs. Steele,

I am writing to you in my capacity as Chairman of the Anti-Defamation Committee of the Executive Council of Australian Jewry, the official roof body of Australia's Jewish community, about a serious and disturbing matter which concerns yourself.

The back cover of the recently published 1985 edition of John Bennett's Your Rights 1985 contains an endorsement of this book by yourself, together with a number of other similar endorsements. I attach a photocopy of this back cover in case you are unaware of this fact.

Given your distinguished record of achievement on the South Australian and Australian political scene, you are probably unaware that by your endorsement of Bennett's booklet, you appear to lend the weight of your personal reputation, as well as that of the South Australian Liberal Party, to the approval of what the entire Australian Jewish community regards as one of the most vile and offensive pieces of anti-Semitic racism to be published in Australia in recent years.

Although Mr. Bennett's book may indeed contain civil liberties information of value, you may be aware that for some years John Bennett has continuously been publicising the outrageous and wholly untrue lie that the Nazi Holocaust involving six million Jews during the Second World War - the mass murder of six million Jewish men, women and children by Hitler and the Nazis - did not occur but was a lie invented after the war by lying Jews for financial and political ends. Since you have read Mr. Bennett's Your Rights 1984 you will be aware of the odious lie which he repeats on pages 77-78 of his book, photocopies of which are attached. In an effort to whitewash the Nazis, Bennett also states (page 72, also attached) that "Hate sessions in the media directed against Hitler and the Nazis are so pervasive that a visitor from Mars might think WW II is still in progress." Numerous other statements attacking the Jewish people are also to be found in this work.

Internationally, such pro-Nazi and anti-Semitic statements have almost entirely been confined to obviously crank and extremist neo-Nazi groups in Europe and America while in Australia their main source


Constituents: Jewish Boards of Deputies of Victoria, New South Wales, Queensland, South Australia and Council of West Australian Jewry, Inc.
Hobart Hebrew Congregation, and The Australian Capital Territory Jewish Community.

of propagation, apart from Mr. Bennett, is The League of Rights, the extreme right wing body known for its anti-Asian, anti-Aboriginal and anti-Semitic racist attitudes.

We find it both surprising and regrettable that a former public official of your distinction is seen to lend the weight of her reputation to a view which is an obvious and total distortion of history and an insult to the many millions of victims of Nazi oppression. Your endorsement of a book containing Bennett's extremist and racist views will, we believe, come as a considerable shock to your many admirers, both in South Australia and elsewhere and will tarnish your high reputation for fairminded public service. It also gives considerable distress to Australia's Jewish community, especially to the 10,000 or more Australian Jews who survived Hitler's concentration camps, while your endorsement may help to legitimise the use of Bennett's work in schools and universities. We are also sure that your endorsement would be greeted with both amazement and consternation by the South Australian Liberal Party and by the South Australian media, should it become known.

In all the circumstances it would seem desirable and appropriate that you should disassociate yourself from Bennett's anti-Semitic views and I would be most grateful if you could take some appropriate steps to this end.

Yours faithfully,


ALAN H. GOLDBERG Q.C.
Chairman, Anti-Defamation
Committee, E.C.A.J.

On 30 May 2011 the matter came before Justice Besanko and I submitted the following Chronology of the matter:
Chronology for NOTICE OF MOTION, 9.30 am 30 May 2011

1. I am the legally unrepresented Applicant.
 2. On 5 July 2010 Respondent sends Applicant per Express Post sealed copy of bill of costs.
 3. On 12 November 2010 Applicant makes Application to have the Bankruptcy Notice of 12 October 2010 be set aside, or that Interim Orders be made that compliance with the Bankruptcy Notice be extended.
 4. On 17 November 2010 Respondent's solicitor, Mr Steven Lewis advises he is withdrawing the Bankruptcy Notice and suggests Applicant withdraw his 12 November Application.
 5. By Facsimile, dated 19 November 2010, Applicant's Melbourne solicitor, Armstrong Lawyers, make an offer to settle, valid until 26 November 2010.
 6. By Facsimile, dated 23 November 2010, Respondent's solicitor advises the Bankruptcy Notice is withdrawn and that the offer to settle is rejected.
 7. By Facsimile, dated 2 December 2010, Respondent's solicitor refers to a conversation had on 1 December 2010, between his Mr Wertheim and Applicant's solicitor, Mr Rizzi, stating that although Respondent had withdrawn the Bankruptcy Application, Applicant had not yet withdrawn his application to set aside the Bankruptcy Notice.
 8. On 6 December 2010 the Bankruptcy Notice is set aside on Order made by Registrar Christie.
 9. On 22 March 2011 Applicant receives a new Bankruptcy Notice made out at FCA, Adelaide Registry, on 23 December 2010.
 10. On the same day Applicant forwards this Bankruptcy Notice per mail and a covering letter per email to his Melbourne lawyer.
 11. On 14 April Applicant is advised by his Melbourne lawyer that owing to the lady handling my matter having left the firm my matter has not been attended to.
 12. On 15 April 2011 Applicant submits a Notice of Motion to this court.
- *
- Solicitor Steven Lewis for Jeremy Jones claimed that Justice Besanko did not have any such power because I had failed to abide by the rules and that I was out of time to mount a challenge to the 22 December Orders.
- Justice Besanko adjourned the matter until Thursday, 2 June 2011, so that he could check out whether he had indeed the legal power to grant me leave of those two days that would then enable me to contest Registrar Bochner's 22 December 2010 Court order.
- On 31 May 2011 Respondent's solicitor, Steven Lewis, sets out the legal framework that he has adopted in the hope of defeating my Notice of Motion. It is obvious from the following legal argument that I am not in a position to respond to such legalese and experts need to be brought into the battle-of-the-wills.

RESPONDENT'S SUBMISSIONS
IN RESPONSE TO APPLICANT'S NOTICE OF MOTION FILED 15 APRIL 2011

1. The Applicant now seeks an order to extend the time for compliance with a Bankruptcy Notice issued on 12 January 2011 and served on the Applicant on 22 March 2011 (Annexure 3 to the Applicant's Affidavit sworn 15 April 2011).
2. The Bankruptcy Notice is founded on an order of this Court made by Registrar Bochner on 22 December 2010 and entered on 23 December 2010 pursuant to Order 62, Sub-rule 45(3) of the Federal Court Rules ("FCR") that the Applicant pay the Respondent the sum of \$56,435.72.
3. The date for compliance with the Bankruptcy Notice was 21 days after service on the Applicant, being 13 April 2011.
4. Section 41(6A) of the *Bankruptcy Act 1966* ('the Act') gives the Court power to extend time for compliance with a Bankruptcy Notice:

The notice goes on for another four pages presenting legal arguments that I have no hope of countering because I am not versed in law. I respond to the above thus:

*

APPLICANT'S SUBMISSION IN RESPONSE TO RESPONDENT'S SUBMISSION DATED 31 MAY 2011

The Applicant received Respondent's submission per email, and states thereto:

1. This matter before the court began 15 years ago, on 31 May 1996 when Respondent lodged a complaint against Applicant in the Human Rights and Equal Opportunity Commission – now Human Rights Commission.
2. On 30 March 2001 the matter progressed to the Federal Court of Australia where Branson J on 17 September 2002 handed down a Summary Judgment – FCA 1150.
3. At all times Applicant remained legally unrepresented at the matters of fact stage of proceedings, and both State and Federal legal Aid refused to assist Applicant in funding legal representation claiming that for cases under the Racial Discrimination Act there is no provision to fund such matters.
4. At all times Applicant complied with court orders that demanded material alleged 'offensive' be removed from Adelaide Institute's Internet website.
5. Applicant was represented at 'matters of law' stage during the 2007-9 'contempt of court' hearings.
6. On 6 December 2010 Applicant succeeded in having the first bankruptcy notice set aside, and also successfully engaged legal firm Armstrong Lawyers in Melbourne to negotiate and make a financially viable offer of settlement to the Respondent – which Respondent rejected without reason.
7. When Respondent initiated his second attempt to have the Applicant declared a bankrupt it was normal for Applicant to continue with legal counsel in Melbourne and Applicant trusted his legal counsel to continue in the proceedings, and hence Applicant sent the new bankruptcy papers to him.

8. Compliance with the Bankruptcy Notice fell on 13 April 2011, and Applicant was in shock when he learned that two days after expiry of the 21-day compliance with the Bankruptcy Notice he was advised by his Melbourne legal counsel that owing to a change in personnel the matter had remained dormant and no response had been filed in the FCA on behalf of the Applicant.

9. Applicant was advised immediately to submit a Notice of Motion to the court, which he did on 15 April 2011. He did this with the aim of repeating what he had achieved on 6 December 2010 when the original Bankruptcy Notice was set aside.

10. Applicant is not legally trained and is only able to assist the court when it is a matter of facts but not where it concerns matters of law.

11. Applicant wishes to advise the Court that he now has found legal representation from Melbourne, Dr John Walsh of Brannagh, Barrister-at-Law, who at short notice is prepared to assist Applicant and the Court in this matter by appearing per video link at the FCA, Melbourne Registry, or by audio link from his office in Melbourne.

12. Unfortunately the timing of the 2 June 2011 hearing is problematic because Sir John is otherwise engaged during the morning but would be free at 2.30 pm EST., or alternately, he has a full free day on either Tuesday 7 June 2011 or on Thursday 9 June 2011, and he will be personally in attendance in Adelaide on Wednesday 15 June 2011.

13. Applicant begs the Court to consider granting the Applicant an extension of time and/or an adjournment so that Legal Counsel can prepare a proper response.

- and for good measure I submit another sworn Affidavit, after I had again visited Melbourne in order to secure clarification as to why I had not complied with the 21-day response time.

AFFIDAVID in support of NOTICE OF MOTION dated 30 May 2011 – Sworn on 14 June 2011

1. I am the Applicant in these proceedings.

2. That I am a thinker, academic, teacher, ethicist, philosopher and author of five books specifically dealing with the historical matter generally referred to as Holocaust-Shoah.

3. That I make reference to my previous Affidavits dated: 12 November and 3 December of 2010, 15 April and 17 May of 2011.

4. That on 15 April 2011 I filed a Notice of Motion in the FCA, Adelaide Registry, seeking a two-day extension of time so as to make an application to have Registrar Bochner's 22 December 2010 Order reviewed.

5. Registrar Bochner's 22 December 2010 Order, made in the Adelaide Registry, states that I must pay the Applicant, Jeremy Shaun Jones, the sum of \$56,435.72.

6. Registrar Bochner based his decision, among others, on grounds that "Service of the Certificate of Taxation was effected upon the solicitor for the applicant and after 14 days from the date of service the costs remain unpaid".

7. The Taxation certificate was issued on 15 September 2010 and I was never served a copy of same. When I was imprisoned, from August to November 2009, I wrote from prison to solicitor for Respondent, S Lewis, that my barrister, David Perkins had, owing to my financial embarrassment, ceased to act on my behalf and that any subsequent legal matter be sent to my Adelaide address.

8. The Bankruptcy matter began on 5 July 2010 when I received a copy of the Respondent's Bill of Costs.

9. On 1 November 2010 I was served with a Bankruptcy Notice No 2010/00318416 of 12 October 2010, wherein was included the Certificate of Taxation, dated 15 September 2010 made out by Registrar Bochner, FCA Adelaide Registry, for the sum of \$56,435.72.

10. The Registrar of Local Court of New South Wales, Olson, had on 12 October 2010 made an Order against me for payment to Respondent of \$56,513.72., which had been based on the Local Court of New South Wales Order made on 24 September 2010.

11. On 12 November 2010 I made an Application in the Federal Magistrates Court to have the Bankruptcy Notice set aside.

12. I receive a letter from Respondent solicitor, dated 17 November 2010, wherein I am advised that Respondent is withdrawing his Bankruptcy Notice No 4753 dated 25 October 2010. He requested that I withdraw my 12 November 2010

filed Application that is set down for a hearing on 6 December 2010.

13. As I had some time ago engaged the Victorian legal firm Armstrong Lawyers in a family matter, I requested that it assist me in this matter and make a formal offer of settlement, which was done per letter/fax to Respondent and his solicitor Mr S Lewis of Slater & Gordon, dated 19 November 2010.

14. On 23 November 2010 Respondent's solicitor advises my solicitor that the Bankruptcy Notice has been withdrawn and that the offer of settlement is rejected.

15. In a letter/fax dated 2 December 2010 to my solicitor Respondent's solicitor refers to a conversation had on 1 December 2010 between his Mr Wertheim and my solicitor, Mr Rizzi, stating that although Respondent had withdrawn the Bankruptcy Application, I had not yet withdrawn my Application to set aside the Bankruptcy Notice.

16. On 6 December 2010 the Bankruptcy notice is set aside on Order made by Registrar Christie, FCA Adelaide Registry.

17. I do not hear from Respondent's solicitor again until 22 March 2011 when a process server hands me a new Bankruptcy Notice made out in the FCA Adelaide Registry, which is dated 23 December 2010, and which includes the new 22 December 2010 Order made by Registrar Buchner of the FCA Adelaide Registry.

18. Bearing in mind how the first Bankruptcy Notice was processed I realized I needed expert legal advice, and as the Melbourne solicitors' firm had become involved in the matter by drawing up a viable financial offer of debt settlement thereby deflecting from by possible bankruptcy, I forwarded the new Bankruptcy Notice to them by mail/email wherein I request they attend to it.

19. On Thursday 14 April 2011 around lunch-time I rang my solicitor and was advised to ring back in a couple of hours' time, which I did. Mr Rizzi advised me that the matter had not been attended to on account of the person handling the matter having left the firm and thus the matter lay dormant.

20. Mr Rizzi advised me that time for response to the Bankruptcy Notice had lapsed by two days and that I should file a Notice of Motion requesting I be granted an extension of time.

21. I now refer to "Annexure 1", this being a letter from my solicitors detailing their view on the matter of why I missed formally responding to the second Bankruptcy Notice.

...and note also, below, the indecent haste to get another action in court against me by issuing the Creditor's Petition so that property sequestration can begin. As one barrister informed me: 'Jones doesn't want the money, he wants to humiliate you by stripping you of all assets'. And there I thought that carbon sequestration was an original concept, which has been a live concept in the sad world of bankruptcy for a long time.

Indeed, Shakespeare perhaps got it right when he dealt with this problem in The Merchant of Venice. So much for the battle-of-the-wills!

And still I repeat my maxim: 'Don't blame the Jews, blame those that bend to their pressure'.

Notice, how the writing style on the court documents features the names from right to left.

IN THE FEDERAL MAGISTRATES COURT OF AUSTRALIA NEW SOUTH WALES DISTRICT REGISTRY

To the Duty Registrar - Fax: 02-92308295

No: SYG 855/ 2011

JEREMY SHAUN JONES

Applicant

GERALD FREDRICK TOBEN

Respondent

RESPONDENT'S SUBMISSION IN RESPONSE TO APPLICANT'S CREDITOR'S PETITION DATED 21 APRIL 2011

On 30 May 2011, pm, the Respondent received Applicant's Creditor's Petition, and responds thereto:

1. This Creditor's Petition attaches to a Bankruptcy proceeding currently before the FCA, Adelaide Registry, No: SAD 69 and 73 of 2009.

2. As the Adelaide matter was heard on 30 May 2011 and adjourned to today, 2 June 2011, and again adjourned to 15 June 2011, I request that the Applicant's Creditor's Petition to be heard in the NSW Registry of the FMC on 9 June 2011 be adjourned to a date after the 15 June 2011 Adelaide hearing.

3. Also, the Respondent requests that this Creditor's Petition be transferred to the FMC, Adelaide Registry.

Adelaide, 2 June 2011, Fredrick Töben

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Update: On 9 June 2011 Federal Magistrates Court Registrar Segal rang me on the Mobile while I was in Melbourne, and under heavy protest from Steven Lewis, adjourned the matter- Creditor's Petition - until 21 June 2011 on account of the 15 June 2011 Notice of Motion hearing in the FCA Adelaide Registry before Justice Besanko, to which this matter is attached. Lewis stated it has no chance of succeeding on 15 June 2011.

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And now what is dear to my heart – philosophical musings because 'to philosophy I owe my worldly ruin, and my soul's prosperity'!

I have had the pleasure of meeting a number of inspiring individuals who have attempted to lead a life of integrity, especially by setting an example to the next generation. Last year I picked up Prof James Damon's wisdom with which he imbues his students wishing to learn German. Here the wheel of life is not Talmudic-Marxist-inspired hatred but Christian humility, then tempered by self-reflective intelligence, and if that doesn't kick in, then **it's Übermut tut selten Gut!**

Armut schafft Demut - Poverty creates Humility

Demut schafft Fleiss-Humility creates Industriousness

Fleiss schafft Reichtum - Industriousness creates Wealth

Reichtum schafft Übermut - Wealth creates Hubris

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How do we get out of that circle? That's the problem Immanuel Kant solved in his reflections. This great German philosopher has had a significant influence on my thinking, especially during these past 15 years of legal persecution where I had to absorb massive amounts of various forms of abuse.

In particular, Kant's Categorical Imperative, which all too often is scoffed at by those who grew up on Talmud-Marxist dogma, enabled me to see through the legal and other puffery that came my way.

Unfortunately I could not compete in this legal battle because truth as a defence was not permitted because it outright defeats the Talmudic death dialectic by postulating a dialogue.

This Jeremy Jones fears more than the Devil; especially on matters Holocaust-Shoah where his assertions, if tested logically and empirically, would be revealed for what they are - a Holocaust believer's inversions that aim to kill off the German soul by demanding Germans just accept the nonsense Holocaust allegations without asking questions about it because by asking questions the victims feel hurt!

Immanuel Kant, as well as Hegel, Schopenhauer, Wagner, etc. defeat Talmudic-inspired thought patterns and liberate the mind from a death-dialectic that cannot create any meaning out of life other than that of either being a victim of life or a dictator-terrorist who opposes anyone not fashioned out of the same mindset. Pursuing civilizing influences is considered to be a waste of time because that means dialogue, and dialogue means an exchange of moral and intellectual values where the battle-of-the-wills clarifies and elaborates on what makes life worth while.

It does not embrace the brutalisation of the world around us, something the Germans have been charged with for over sixty years.

It is not often mentioned that the German National Socialists banned kosher animal slaughter because of its inherent cruelty. Jews and Muslims could do such things in their own countries but not in Germany where civilising influences pervaded the social fabric.

Interestingly this issue is again alive because on 6 June 2011 ABC TV 4 Corners highlighted the terrible cruelty inflicted on Australia's exported cattle when they face slaughter in Indonesia. It is hoped 4 Corners will now do a program on the kosher killings that go on within Australia.

But such concerns pale into insignificance because the alleged cruelties perpetrated during the 'Holocaust' deflect from individuals living in the 'free and democratic' countries grappling with inhumane matters at home.

The propaganda in the form of the Holocaust atrocity stories further aims to deflect from such civilising influences that Germans attempted to establish within their own country, and in those that joined them against the Internationalists-predatory capitalists who hate the concept AUTARKY.

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The last time the world realized this humaneness was afoot was in 1933 - and the seeds of destruction that defeated this liberation movement in 1945 are now with us.

We are fortunate in that we can witness the decline of so-called 'free-and-democratic' ideologies plying their hypocritical wares and forever seeking out more blood with which to feed their furnaces.



The above is a copy of a plaque fixed to a bridge in Königsberg, since 1945 called Kaliningrad, where Immanuel Kant spent most of his life, just within a square kilometre of his home and workplace at the University of Königsberg. The quotation is Kant's most famous maxim:

Zwei Dinge erfüllen das Gemüt mit immer neuer und zunehmender Bewunderung und Ehrfurcht je öfter und anhaltender sich das Nachdenken damit beschäftigt: Der gestirnte Himmel über mir und das moralische Gesetz in mir.

Through continuous reflection two things fulfil the soul with ever renewing admiration and reverence: The starry heaven above me and the moral law within me.